THE HON'BLE SRI JUSTICE E.DHARMA RAO

WRIT PETITION NO.16993 OF 2005

O R D E R:

This writ petition is filed in the nature of Mandamus declaring the action of the third respondent in once again placing the fifth respondent as Incharge Secretary basing on political influence of the local M.L.A., and in not changing the fifth respondent in spite of the resolution of the Gram Panchayat, dated 27.06.2005 seeking to change the fifth respondent whose track record is verymuch tarnished and who was trapped by Anti Corruption Bureau as illegal, arbitrary, unwarranted and violative of the Constitutional guarantees and for a consequential direction to the respondents to appoint a permanent Secretary to the Gangole Grampanchayat, Gopalapuram Mandal, West Godavari District or to replace the 5th respondent and appoint any other person as In-charge Secretary.

It is the case of the petitioner that in the year 2001 he was elected as Sarpanch of Gangole Gram Panchayat. He belongs to Schedule Caste. As there was no permanent Secretary appointed to the Gangole Gram Panchayat, he requested respondent Nos. 2 to 4 to post a permanent Secretary to the said Gram Panchayat. In May 2005, fifth respondent was appointed as Permanent Secretary of the Gram Panchayat. On enquiries, when the petitioner came to know that the fifth respondent previously misappropriated Panchayat funds and old age pensions sanctioned by the Government and was also involved in A.C.B. trap, his services were suspended. After reinstatement, he joined in Gopalapuram Mandal. On a request made by the petitioner before the third respondent to change the existing In-charge Secretary i.e., the 5th respondent, the third respondent appointed one Pardhasaradhi as Incharge Secretary of Gangole Grampanchayat. Surprisingly, the third respondent being

influenced by political pressures, passed orders dated 20.06.2005 reinstating the fifth respondent as Incharge Secretary of Gangole Gram Panchayat. It is also the case of the petitioner that though 47 new permanent Secretaries were appointed, no permanent Secretary was appointed to the Gangole Gram Panchayat. Hence, the petitioner made a representation dated 18.07.2005 before the second respondent bringing to his notice that the fifth respondent started threatening the petitioner to remove him from services by using political clout. In spite of making several representations, no action was taken by the respondent authorities to change the fifth respondent. Hence, this writ petition is filed stating that if the fifth respondent is not changed, he also will be held responsible for the misusing of funds along with the fifth respondent.

When the matter came up for admission, the learned Government Pleader took an objection with regard to the maintainability of the writ petition stating that the matter has to be placed before the third respondent-District Panchayat Officer, but not the second respondent-District Collector, West Godavari. Therefore, the order dated 20.06.2005 of the second respondent is not maintainable.

In view of the above, the writ petition is dismissed as not maintainable. However, it is open for the petitioner to approach Tribunal concerned or any other appropriate forum for the redressal of his grievance. No order as to costs.

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E.DHARMA RAO J.,

Dt.03.08.2005

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